

Assembly Joint Resolution

No. 44

Introduced by Assembly Member Koretz

(Coauthors: Assembly Members Chavez, Cohn, Frommer, Goldberg, Hancock, Laird, Lieber, Lowenthal, Steinberg, and Wolk)

July 1, 2003

Assembly Joint Resolution No. 44—Relative to Holocaust era insurance policies.

LEGISLATIVE COUNSEL'S DIGEST

AJR 44, as introduced, Koretz. Holocaust era insurance policies.

The Holocaust Victim Insurance Relief Act of 1999 requires any insurer doing business in California to disclose information about all policies that were sold in Europe by the insurer or a related company and that were in effect between 1920 and 1945. A recent ruling by the United States Supreme Court held this act unconstitutional.

This measure would denounce the court's ruling. It would urge the Insurance Commissioner to investigate any feasible alternatives to enacting state law that would serve to increase the likelihood that payments may be made to the heirs of Holocaust victims, and would urge the United States Congress to immediately enact legislation to require insurance companies to disclose their Holocaust era policy information.

Fiscal committee: yes.

- 1 WHEREAS, Many families in Europe during World War II
- 2 purchased life insurance policies as financial protection for loved
- 3 ones who would survive the war; and

1 WHEREAS, After the Nazis came to power in 1939, they
2 systematically confiscated the assets and insurance policy
3 documents of Jews and other victims, and did not issue death
4 certificates for the countless Jews and untold others murdered in
5 concentration camps; and

6 WHEREAS, After the war, several insurers, many of which
7 have California affiliates, refused to pay on valid policies because
8 survivors did not have adequate documentation, thus making the
9 victims of the Holocaust and their heirs unable to collect the
10 proceeds from life insurance policies that they are rightfully owed;
11 and

12 WHEREAS, Because in some instances, recollections of the
13 very existence of insurance policies may have perished along with
14 Holocaust victims, insurance company records may be the only
15 proof of insurance held by Holocaust survivors or their heirs; and

16 WHEREAS, In 1998, the International Commission on
17 Holocaust Era Insurance Claims (ICHEIC) was created to
18 facilitate the expeditious processing of unpaid insurance policies
19 issued to Holocaust victims; and

20 WHEREAS, The ICHEIC launched its claims process in
21 February 2000, and has received over 85,000 claims from all over
22 the world, of which 2,357 were from California; and

23 WHEREAS, California enacted the Holocaust Victims
24 Insurance Relief Act in 1999 to require insurers to release detailed
25 information about policies they sold in Europe between 1920 and
26 1945; and

27 WHEREAS, Approximately five California insurers have
28 provided documents in full compliance with the state statutes and
29 approximately 100 have refused to comply; and

30 WHEREAS, In July 2002, the Ninth Circuit Court of Appeals
31 ruled that the 1999 Holocaust Victims Insurance Relief Act was
32 constitutional; and

33 WHEREAS, On Monday, June 23, 2003, the United States
34 Supreme Court in *American Insurance Association, et al v. John*
35 *Garamendi*, Insurance Commissioner, State of California (2003)
36 539 U.S. ___, overturned the lower court ruling, holding that
37 California's Holocaust Victims Insurance Relief Act was
38 unconstitutional; and

39 WHEREAS, By their ruling, the United States Supreme Court
40 invalidated the only government action that has provided hope to



1 California residents entitled to the proceeds of these Holocaust
2 insurance policies; and

3 WHEREAS, The Insurance Commissioner has stated that for
4 more than 60 years insurance companies have held money that
5 does not belong to them and are disregarding the legitimate heirs
6 of Holocaust victims, refusing to provide basic insurance policy
7 information that could help them collect on policies bought by
8 their ancestors; now, therefore, be it

9 *Resolved by the Assembly and the Senate of the State of*
10 *California, jointly,* That the Legislature of the State of California
11 hereby denounces the ruling of the United States Supreme Court
12 in the case of American Insurance Association, et al v. John
13 Garamendi, Insurance Commissioner, State of California; and be
14 it further

15 *Resolved,* That the Legislature of the State of California urges
16 the California Attorney General, along with the California
17 Insurance Commissioner, to investigate any feasible alternatives
18 to enacting state law that would serve to increase the likelihood
19 that payments may be made to the heirs of Holocaust victims; and
20 be it further

21 *Resolved,* That the Legislature of the State of California urges,
22 in the strongest possible terms, the United States Congress to
23 immediately enact legislation to require insurance companies to
24 disclose their Holocaust era policy information, for further delay
25 is an abrogation of responsibility and a miscarriage of justice; and
26 be it further

27 *Resolved,* That the Chief Clerk of the Assembly transmit copies
28 of this resolution to the Speaker of the House of Representatives
29 of the United States, the President of the Senate of the United
30 States, the California Insurance Commissioner, and each Senator
31 and Representative from California in the Congress of the United
32 States.

